

Civil Enforcement Case Report

Civil Enforcement Case

Basic Information

Case Number: 03-2012-7025
Case Name: E.I. DUPONT DE NEMOURS & CO
(CAA/CERCLA/EPCRA)
Case Category: Judicial
Case Status (as of 09/25/2015): Concluded
Case Lead: EPA
Court Docket Number: 2:14-cv-25143
DOJ Docket Number: 90-5-2-1-10707

Relief Sought: Penalty
Enforcement Outcome: Final Order With Penalty
Headquarters Division: --
Branch: --
Result of Voluntary Disclosure? Yes
Multi-media Case? --
Enforcement Type: Civil Judicial Action
Violations: Failure To Notify, Other/Miscellaneous

Penalties – Case Level

Total Federal Penalty Assessed or Agreed To: \$1,275,000
Total State/Local Penalty Assessed: \$0
Total SEP Cost: \$0
Total Compliance Action Cost: \$2,276,000
Total Cost Recovery: \$0

Case Summary

The U.S. Environmental Protection Agency (EPA) and the Department of Justice announced today a settlement with E.I. du Pont de Nemours and Company (DuPont) at its Belle, W. Va. facility for eight alleged releases of harmful levels of hazardous substances between May 2006 and January 2010. Several of the releases posed significant risk to people or the Kanawha River. One DuPont worker died after exposure to phosgene, a toxic gas released due to DuPont's failure to comply with industry accident prevention procedures. DuPont will pay a \$1.275 million penalty and will take corrective actions to prevent future releases to resolve the alleged violations of the general duty clause and risk management provisions of the Clean Air Act, and the emergency response provisions of Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, and Section 304 of the Emergency Planning and Community Right-to-Know Act. Producing toxic and hazardous substances can be dangerous, and requires complying with environmental and safety laws, said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. "Today's settlement with DuPont will ensure that the proper practices are in place to protect communities and nearby water bodies. Failing to follow laws meant to prevent accidents can have fatal consequences as was tragically the case here," said Sam Hirsch, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "Today's settlement holds DuPont accountable for its failure to prevent hazardous releases and requires improvements to its risk management operations and emergency response systems that could prevent future tragedies and damage to the environment." The consent decree, lodged in the U.S. District Court for the Southern District of West Virginia, is subject to a 30-day public comment period and approval by the federal court.

Law	Sections	Programs
CAA	112[R] [7], 112[R] [1]	Prevention of Accidental Release/Risk Management Plans (RMPs), Prevention of Accidental Release/General Duty Clause
CERCLA	103A	Notification of Hazardous Reportable Quantity Release
EPCRA	304, 312	Emergency Release Notification Section 313 Program, Emergency and Hazardous Chemical Inventory Forms

Title	Part	Section
No data records returned		

Facilities

FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
110000344182	DU PONT BELLE PLANT	901 WEST DU PONT AVENUE	BELLE	WV	25015	2821 2869 2879	325110 325211

Defendants

Defendants and Settlements	In Complaint	In Settlement
E.I. DUPONT DE NEMOURS & COMPANY	Y	Y

Case Milestones

Event	Actual Date
Referred To Dept Of Justice	09/27/2012
Enforcement Action Data Entered	09/29/2012
Final Order Lodged	08/27/2014
Complaint Filed With Court	08/27/2014
Concluded	09/25/2015
Final Order Entered	09/25/2015

Related Case Documents

Document	Facility Name	Publish Date	EPA Program
No data records returned			

Pollutants

Pollutant Name	Chemical Abstract Number
Methanol	67561
Methylene chloride	75092
Phosgene	75445
Phosphoric acid	7664382

Related Activities

Description	Actual Date
No data records returned	

Final Order 1

Final Order Type: Consent Decree or Court Order Resolving a Civil Judicial Action
Final Order Name: E.I. DUPONT DE NEMOURS & CO (CAA/CERCLA/EPCRA)
Linked Facilities (FRS ID): 110000344182
Final Order Lodged Date: 08/27/2014
Final Order Entered Date: 09/25/2015
Enforcement Action Closed Date: --
Actual Termination Date: --

Penalties/SEPs/Cost Recovery Amounts

Federal Penalty Assessed or Agreed To: \$1,275,000
State/Local Penalty Assessed: --
SEP Value: --
Compliance Action Cost: \$2,276,000
Federal Cost Recovery Awarded: \$0

Complying Actions

Complying Action ID	Category	Description
3400015983	Prevention of Future Releases	Risk Management Plan Implemented
3400015984	Work Practices	General Duty CAA 112(r)(1)
3400015985	Work Practices	Record-keeping
3400015986	Work Practices	Reporting

Supplemental Environmental Projects

SEP ID	Category	SEP Value	Description
No data records returned			

Pollutant Reductions

Resulting From	Pollutant	Annual Amount	Units	Media Affected
CA ID 3400015983	Sulfuric acid	2,000,000	lbs	Air
CA ID 3400015983	Phosgene	44,000	lbs	Air